

Appl. No. : 10/616,411  
Filed : July 8, 2003

## REMARKS

With this response, Claims 1-20 have been cancelled and new Claims 22-40 have been added. Claims 21-40 are pending.

### Claim Rejections

The Examiner has rejected Claim 21 under 35 U.S.C. Section 112, paragraph 1. Claim 21 has been amended to replace the language the Examiner found objectionable with language taken directly from paragraph 0018 of the specification as filed.

As explained in the last sentence of paragraph 0018, nodes are not replaced if an indication is present that a node being modified is not to be part of a snapshot. This limitation has replaced the previous limitation that nodes are replaced only if the indication is absent. It is respectfully submitted that the rejection under 35 U.S.C. Section 112 paragraph 1 has been overcome with this amendment.

The Examiner has rejected Claims 1-21 as anticipated by Hitz or obvious in view of Hitz combined with Eshel or Sekido. As these Claims 1-20 have been cancelled, the rejection of those claims is moot.

With respect to Claim 21, the applicant respectfully submits that Hitz does not teach providing any indication that a node is not to be part of a snapshot. In Hitz, at column 18, lines 19-23, it is explained that creating a snapshot involves copying bit 0 of the blkmap file into bit N of the blkmap file for each block. Because bit 0 determines whether a block is part of the current file system, every block of the current file system becomes part of snapshot N. Hitz provides no way to prevent any files or directories from becoming saved as part of a snapshot if they exist at the time the snapshot is taken. Although Hitz does have bits in the blkmap file indicating whether or not a block is part of an existing snapshot, Hitz does not provide anything indicating that a block is not to be part of a snapshot as set forth in Claim 21. This is a significant benefit to users of the system because no storage space is used for those files and/or directories that a user determines are not important to retain in snapshots.

**Appl. No.** : 10/616,411  
**Filed** : July 8, 2003

New Claims

With respect to new independent Claim 22, the applicant respectfully submits that Hitz does not "record information for each current node indicating whether the node was replaced due to current node modifications since the snapshot root node was created" as set forth in Claim 22. Hitz only records information on a block by block basis, and saves no information for each node indicating whether a node was replaced. Furthermore, the bits of the blkmap file of Hitz are only used to prevent blocks in the snapshot from being overwritten. No use of this information to identify previously replaced nodes as opposed to previously unreplaced nodes is made by Hitz.

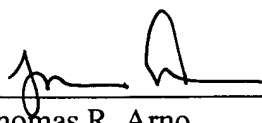
It is respectfully submitted that Claim 22, and Claims 23-40 which depend therefrom, are in condition for allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/2/07

By:   
Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

3353929  
012607